



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*
Rusty Lundberg, *Executive Secretary*

MINUTES OF THE UTAH RADIATION CONTROL BOARD

January 13, 2015

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Peter Jenkins, CHP, Ph.D.
Scott Bird
Richard Codell, Ph.D.
Ulrich Rassner, MD
Matt Rydalch
Commissioner Jerry Hurst
Brady Bradford (Via Phone)
Lindsey Christensen Nesbitt, Ph.D.
Rusty Lundberg, Executive Secretary

BOARD MEMBERS ABSENT/EXCUSED

Amanda Smith, Executive Director DEQ

DRC STAFF/OTHER DEO MEMBERS PRESENT

Craig Jones, DRC Section Manager
John Hultquist, DRC Section Manager
Laura Lockhart, AG Staff
Spencer Wickham, DRC Staff
Scott Anderson, DSHW Director
Arlene Lovato, DSHW Staff
Lisa Mechem, DRC Staff
Charlie Bishop, DRC Staff

PUBLIC

Vern Rogers, EnergySolutions
Gary Guelker, Janet & Guelker

I. Welcome

Dr. Peter Jenkins, Chairman, called the meeting to order at 1:00 p.m. He welcomed the Board Members and the public.

II. Approval of the Minutes from the January 13, 2015 Board Meeting

Dr. Peter Jenkins, Chairman, asked if any members of the Board had any corrections to the minutes for the January 13, 2015 Board Meeting. None were requested.

MOTION MADE BY MR. SCOTT BIRD TO APPROVE THE MINUTES OF JANUARY 13, 2015.

SECONDED BY DR. RICHARD CODELL.

MOTION CARRIED AND PASSED UNANIMOUSLY.

III. Indoor Radon – Ms. Eleanor Divver showed the Board a short clip on Radon and informed the Board of the Radon Action Month / public outreach efforts and awareness, as January is Radon Action Month. She also mentioned the winners for the 2014 Radon Poster Contest, who would receive an award from the Governor later in January 2015.

IV. Administrative Rulemaking

a. Comments Received :

- i. Mr. Rusty Lundberg, Executive Secretary, informed the Board of the comments received from EnergySolutions for R313-19 and R313-37. These rule changes institute and adopt federal requirements regarding protection of Category 1 and Category 2 sources of Radioactive material. The comment period was to end by December 1, 2014, but due to a petition of rulemaking that was submitted to NRC by the **Nuclear Energy Institute** regarding 10 CFR 37, the comment period was extended to January 9, 2015. Comments were received from the University of Utah, Intermountain Health Care, and EnergySolutions, which have been provided to the Board to review for rulemaking.

b. Approve for Rulemaking and Public Comment:

- i. Mr. Spencer Wickham reviewed proposed changes to R313-15 and R313-38-3 in response to NRC requested changes to what was approved by the Board in the November 2014 Board meeting and sent out for public comment period. During the Public comment period, the NRC submitted a letter regarding the proposed changes and raised compatibility issues pertaining to substitutions and citations that existed in R313-15 and R313-38 that still needed to be addressed. Mr. Spencer Wickham, asked the Board to accept the Director's Recommendation to approve the filing of the proposed rules. Mr. Rusty Lundberg, Executive Secretary, further explained to resolve the NRC comments; changes to the proposed rules are required to meet the compatibility requirements for agreement states. Dr. Peter Jenkins, Chairman, raised some questions about accepting rules

by reference and the role of the Division of Administrative Rules. Mr. Rusty Lundberg, Executive Secretary, further clarified the intent for rulemaking. Additional comments were made by Dr. Lindsey Nesbitt and Dr. Ulrich Rassner in regards to Federal requirements and NRC guidelines.

MOTION MADE BY MR. SCOTT BIRD TO ACCEPT THE DIRECTOR'S RECOMMENDATION AND TO INITIATE RULEMAKING BY APPROVING THE FILING OF THE PROPOSED RULE CHANGES TO R313-15-1208 AND R313-38-3 WITH THE DIVISION OF ADMINISTRATIVE RULES. .

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED UNANIMOUSLY.

V. Information Items

a. Uranium Recovery Sites

i. Energy Fuels Resources / White Mesa Mill – Mr. Rusty Lundberg, Executive Secretary, gave a status update and informed the Board of the comment period that had begun for the proposed Corrective Action Plan for on-site Chloroform Plume. The public comment period will end on February 13, 2015 and a public hearing is also being held in Blanding on February 11, 2015, giving the public and opportunity to comment on the corrective action plan.

b. **2014 4th Quarter Activities Report** – Mr. Rusty Lundberg, Executive Secretary, informed the Board of the activities report that was included in the Board packet for the Board to review and stay informed of the Division's accomplishments of the Regulated community. Dr. Peter Jenkins, Chairman, asked for further explanation on the notices of violation and incoming shipments, Mr. Rusty Lundberg, further clarified the information in the activities report.

c. **2015 Legislature** – Mr. Rusty Lundberg, Executive Secretary, informed the Board of the bill H.B. 78 sponsored by Representative Brad Dee that further clarifies Generator Site Permits. Dr. Peter Jenkins, Chairman, expressed his concerns about the proposed comments and reasoning behind the Board's decision in the rulemaking. Mr. Rusty Lundberg, Executive Secretary, also informed the Board of a Bill that is being discussed and will be presented in the 2015 Legislative session in February about the consolidation of the divisions of Radiation Control and Solid and Hazard Waste. Dr. Peter Jenkins and Dr. Ulrich Rassner expressed their concerns.

d. **Online Availability of DRC documents** – Mr. John Hultquist, informed the Board of the availability of documents online for all agencies in the Department of Environmental Quality for public access. The Utah Division of Radiation Control expects to have this service available in February.

VI. Election of Chair and Vice Chair – Dr. Peter Jenkins and Mr. Scott Bird were reelected by the Board to serve on the Radiation Control Board. **Motion was made by Mr. Matt**

Rydalch to retain Dr. Peter Jenkins as Chairman and Mr. Scott Bird as Vice Chairman Second by Mr. Brady Bradford. Motion Carried and Passed Unanimously.

VII. Recognition of Commissioner Jerry Hurst - Dr. Peter Jenkins, Chairman presented an award and recognized Commissioner Jerry Hurst for his outstanding service and contribution to the Utah Radiation Control Board.

VIII. Public Comment

No comment was received.

IX. Next Scheduled Board Meeting:

Tuesday, February 10, 2015, 1:00 p.m.

Multi Agency State Office Building, Board Conference Room #1015

195 North 1950 West

Salt Lake City, Utah

Meeting Adjourned 2:00 PM

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Dana Powers at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: dpowers@utah.gov